

MONDAY, MARCH 14, 1994

SEVENTY-FOURTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Carl Russell, Trousdale Church of Christ, Warren County, TN.

Representative Lewis led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Allen; business in district.

Representative Garrett; personal.

Representative Kent; illness.

ENROLLED BILLS

March 10, 1994

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2620;

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House Joint Resolution(s) No(s). 489, 490 and 491; also, House Resolution(s) No(s). 144, 145, 146 and 147.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**March 10, 1994**

The Speaker signed the following: House Bill(s) No(s). 2620; House Joint Resolution(s) No(s). 489, 490 and 491; also, House Resolution(s) No(s). 144, 145, 146 and 147.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**March 11, 1994**

The Speaker signed the following: Senate Bill(s) No(s). 1166, 1756, 1849, 1880, 1893, 1894, 1895, 1897, 1901, 1966, 2212, 2428, 2442, 2509, 2672 and 2697; also, Senate Joint Resolution(s) No(s). 326, 329, 331, 333, 336, 345 and 351.

#### **BILL RETURN REQUESTED**

Pursuant to **Rule No. 54**, Rep. Rhinehart moved that the Clerk request the return of Senate Bill No. 2254 from the Senate, which motion prevailed.

#### **RULES SUSPENSION**

Without objection, Rep. Purcell suspended the rules to revise the Committee schedule on Tuesday, March 15, 1994, as follows:

Transportation Committee	12:00 p.m. - 1:00 p.m.
Finance Committee	1:00 p.m. - 2:00 p.m.
State and Local Committee	4:00 p.m.
Government Committee	4:00 p.m.

Without objection, Rep. Purcell suspended the rules so that the following bills on the Regular Calendar for Wednesday, March 16, 1994, be moved to the head of the Regular Calendar for Thursday, March 17, 1994: House Bills Nos. 1072, 1979; Senate Bill No. 2453; also, House Bills Nos. 2534.

#### **MESSAGE FROM THE SENATE**

**March 14, 1994**

MR. SPEAKER: I am directed to request the return of Senate

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Bill No. 1963, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
March 14, 1994**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 348 and 377; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 0348 -- Naming and Designating --**  
"State Employee Week," June 19-25, 1994. by \*Crutchfield, \*Atchley,  
\*Person, \*et al.

**Senate Joint Resolution No. 0377 -- Memorials, Recognition and**  
Thanks -- Maurice O'Donohue, Mayor of Killarney, Ireland. by \*Cohen.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**House Joint Resolution No. 0517 -- Naming and Designating --** "L. H. 'Cotton' Ivy Laboratory," Ellington Agricultural Center. by \*Bell, \*Kisber, \*Rinks, \*Givens, \*Cole Ronnie, \*Windle, \*Rigsby, \*Pinion, \*Cross, \*Ramsey, \*Walley, \*Williams Micheal, \*Phillips, \*Ridgeway, \*Rhinehart, \*Peroulas Draper, \*Herron, \*Johnson, \*Lewis, \*Byrd, \*Garrett, \*Hargrove, \*Chumney, \*Williams Mike, \*Stulce, \*Naifeh, \*Winningham, \*Purcell, \*Bragg, \*Hillis, \*Head, \*Tindell, \*Ritchie, \*Wix, \*Fowlkes, \*Davidson, \*Pruitt, \*Love, \*Napier, \*Brooks, \*Phelan, \*DeBerry, \*Ferguson, \*Arriola, \*Jones U, \*Miller, \*Jones R, \*Anderson, \*Owenby.

Agriculture Committee.

**\*House Joint Resolution No. 0519 -- General Assembly, Studies --**  
Continues special joint committee created by HJR 37 of 98th General Assembly to study affordability of housing. by \*Turner L, \*Jones R, \*Brooks, \*Pruitt, \*Byrd, \*Dixon.

State and Local Government Committee.

**\*House Joint Resolution No. 0520 -- General Assembly, Studies --**  
Creates joint study commission on victims' rights compensation. by \*Miller.

Judiciary Committee.

**\*House Joint Resolution No. 0523 -- General Assembly, Statement**  
of Intent or Position -- Urges Postmaster General and Citizens Stamp

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Advisory Committee to issue commemorative stamp honoring John Sevier, Tennessee's first governor, the year of Tennessee's Bicentennial in 1996. by \*Windle.

State and Local Government Committee.

### **RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, March 17, 1994:

**House Joint Resolution No. 0521** -- Memorials, Academic Achievement -- Alecia Willis, 1994 Valedictorian, Coffee County Central High School. by \*Lewis.

**House Joint Resolution No. 0522** -- Memorials, Academic Achievement -- Thomas Clouse, 1994 Salutatorian, Coffee County Central High School. by \*Lewis.

**House Joint Resolution No. 0524** -- Memorials, Professional Achievement -- A. Cantrell, creator of collage "SOME AFRICAN AMERICANS". by \*Jones U, \*Miller, \*Pruitt, \*Jones R, \*Turner L, \*Brooks, \*Thompson, \*Dixon, \*Love, \*Brown, \*Armstrong.

**House Joint Resolution No. 0525** -- Memorials, Recognition and Thanks -- National Black Evangelical Association. by \*Miller, \*Jones U, \*Brooks, \*Turner L, \*DeBerry, \*Jones R, \*Love.

**House Joint Resolution No. 0526** -- Memorials, Public Service -- Roy Bond. by \*Crain, \*Jones R, \*Love, \*DeBerry, \*Jones U, \*Pruitt, \*Miller, \*Brown, \*Armstrong.

**House Joint Resolution No. 0527** -- Memorials, Personal Achievement -- Brandi Gail Cox, 1994 Hostess Princess. by \*Ridgeway.

**House Joint Resolution No. 0528** -- Memorials, Sports -- Tennessee State University mens' basketball team, Ohio Valley Conference champions. by \*Pruitt, \*Jones U, \*Miller, \*Love, \*Odom, \*Halteman Harwell, \*Purcell, \*Robinson, \*West, \*Stamps, \*Armstrong, \*Chiles, \*Dixon, \*Jones R, \*Turner L, \*Brooks, \*Brown, \*DeBerry, \*Thompson.

### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2842** -- Land, Agricultural and Open Spaces -- Creates deadline for filing with tax assessor to have land classified as agricultural land under Agricultural, Forest and Open Space Land Act. Amends TCA 67-5-1005. by \*Bell, \*Givens, \*Rinks, \*Fowlkes, \*Ridgeway, \*Ferguson, \*Walley, \*Cross, \*Stulce, \*Cole

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Ralph, \*McDaniel, \*Peroulas Draper, \*Bittle, \*Moore, \*Napier, \*Williams Micheal, \*Lewis, \*Owenby, \*Pinion, \*Buck, \*Ramsey, \*West, \*Hillis, \*Windle, \*Wix, \*McAfee, \*Cole Ronnie, \*Herron, \*Haun.

**House Bill No. 2866 -- Juvenile Offenders --** Allows juvenile courts to transfer certain juvenile offenders, 14 years of age or younger, to criminal court to be tried and sentenced as adults. Amends TCA, Title 37, Ch. 1, Pt. 1. by \*Purcell, \*DeBerry, \*Armstrong, \*Chumney, \*Williams K, \*Givens, \*Whitson, \*Hargrove, \*Ferguson.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 0876 -- Hazardous Materials --** Revises Tennessee Hazardous Waste Management Act. Amends TCA 68-212-104, 108, 68-212-202--207, 209. (HB 1135).

**Senate Bill No. 1729 -- Medical Occupations --** Requires all persons receiving and dispatching calls for emergency medical services who give pre-arrival medical care instructions to be certified as emergency medical dispatchers. Amends TCA, Title 68, Ch. 140, Pts. 2, 5. (\*HB 1720).

**\*Senate Bill No. 1920 -- Sunset Laws --** Tellico reservoir development, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1. (HB 1979).

**\*Senate Bill No. 1951 -- Hospitals and Health Care Facilities --** Revises licensure and certificate of need requirements for home health companies. Amends TCA, Title 68, Ch. 11, Pts. 1, 2. (HB 2237).

**\*Senate Bill No. 1963 -- Real Estate Agents and Brokers --** Adds position of director of education to real estate commission. Amends TCA, Title 62, Ch. 13, Pt. 2. (HB 2121).

**\*Senate Bill No. 2007 -- Administrative Procedure --** Directs state agency to deliver copies or drafts of certain documents upon request; requires rules incorporating federal regulations to quote federal regulations verbatim. Amends TCA, Title 4, Ch. 5. (HB 2291).

**Senate Bill No. 2759 -- Parks, Natural Areas Preservation --** Increases authority of commissioner of finance and administration and comptroller in approval and auditing of nonprofit organizations for support and enhancement of state parks. Amends TCA, Title 11, Ch. 3, Pt. 2. (\*HB 2684).

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**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 2877** -- Alcoa -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 2878** -- Alcoa -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 2879** -- Shelby County -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 2880** -- Cornersville -- Held on Clerk's desk pending approval by local delegation.

**CONSENT CALENDAR**

**House Bill No. 2867** -- Cookeville -- Establishes regular August election as time for holding city elections; sets four year term for council members; requires popular approval. Amends Chapter 223, Private Acts of 1961, as amended.

**\*House Bill No. 1686** -- AIDS -- Creates offense of criminal exposure of another to HIV. Amends TCA, Title 39, Ch. 13; Titles 63, 68.

**House Bill No. 2060** -- Highway Signs -- "Bryan Fine Arts Center," I-40 at Burgess Falls Road Exit.

On motion, House Bill No. 2060 was made to conform with **Senate Bill No. 2214**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2056** -- County Officers -- Transfers duties regarding bond to discharge mechanics' and materialmen's liens from county clerk to register of deeds. Amends TCA 66-11-142.

On motion, House Bill No. 2056 was made to conform with **Senate Bill No. 2090**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2156** -- Psychologists -- Removes requirement that doctoral level psychologist have three years active clinical practice to certify person as mentally ill under emergency commitment law. Amends TCA 33-6-103.

**House Bill No. 2579** -- Civil Service -- Permits civil service vacancies in the career service normally filled by permanent employees through competitive process to be filled by temporary staffing service company for maximum of 90 days, upon approval of commissioner. Amends TCA 8-30-315.

On motion, House Bill No. 2579 was made to conform with **Senate**

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**Bill No. 2624;** the Senate Bill was substituted for the House Bill.

**House Bill No. 2428 -- Budget Procedures --** Revises procedure to amend county budget in counties which have adopted Local Option Budgeting Law of 1993. Amends TCA, Title 5, Ch. 12, Pt. 2.

On motion, House Bill No. 2428 was made to conform with **Senate Bill No. 2489;** the Senate Bill was substituted for the House Bill.

**House Bill No. 2872 -- Mountain City --** Revises appointment, term and qualifications of town recorder, chief of police and superintendent of public works. Amends Chapter 133, Private Acts of 1986.

**House Bill No. 2085 -- School Transportation --** Exempts van type vehicles used only to transport students to and from school-related activities from requirement that they be painted national school bus glossy yellow. Amends TCA, Title 49, Ch. 6, Pt. 21.

**House Bill No. 2002 -- Fire Prevention and Investigation --** Sets time of service for certain deputy building inspectors in Fentress County. Amends TCA, Title 68.

**\*House Joint Resolution No. 0432 -- Highway Signs --** "Kentucky Lake Recreation Area," I-40, Exit 133.

**\*House Joint Resolution No. 0515 -- General Assembly, Statement of Intent or Position --** Supports efforts of Indiana-Tennessee Civil War Commission to establish memorials honoring Tennesseans of Camp Morton in State Capitol during bicentennial.

**House Joint Resolution No. 0518 -- Memorials, Public Service --** Carolyn Henry.

**\*Senate Joint Resolution No. 0262 -- General Assembly, Directed Studies --** Requests feasibility study by department of transportation of truck lane on Monterey Mountain on I-40.

**Senate Joint Resolution No. 0339 -- Memorials, Retirement --** Cathy De Caterina.

**Senate Joint Resolution No. 0341 -- Memorials, Public Service --** Larry Keeton.

**Senate Joint Resolution No. 0342 -- Memorials, Personal Occasion --** Louise and David Purner, 50th wedding anniversary.

**Senate Joint Resolution No. 0344 -- Memorials, Retirement --** Dr. Frank Essex.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

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**House Bill No. 1686;** by Rep. Dixon.

**House Bill No. 2002;** by Rep. U. Jones.

Under the rules, House Bill(s) No(s). 1686 and 2002 was/were placed at the foot of the calendar for Thursday, March 17, 1994.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Armstrong -- 1.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 2164** -- Dentists -- Raises per diem rate for members of board of dentistry from \$50.00 to \$100. Amends TCA 63-5-119.

Rep. Davidson moved that **House Bill No. 2164** be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes. . . . .	91
Noes. . . . .	3
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Coffey, Haun, Joyce -- 3.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

**House Bill No. 1081** -- Employees, Employers -- Enacts the "Tennessee Employee Leasing Act". Amends TCA, Title 62, Ch. 31.

Rep. Rinks moved that House Bill No. 1081 be passed on third and final consideration.

Rep. Clark moved adoption of Consumer and Employees Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1081 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding Sections 2 through 20 of this act as a new chapter.

SECTION 2. This act shall be known and may be cited as the "Tennessee Employee Leasing Act".

SECTION 3. The legislature recognizes that there is a public need for staff leasing and, therefore, deems it necessary in the interest of public health, safety and welfare to establish standards for the operation, regulation and licensing of staff leasing companies in this state.

SECTION 4. (a) As used in this act, unless the

context otherwise requires:

(1) "Advisory board" means the advisory board of staff leasing companies.

(2) "Applicant" means a person seeking to be licensed under this act.

(3) "Client" means a person who obtains all or part of its work force for another person through a staff leasing arrangement.

(4) "Commissioner" means the commissioner of commerce and insurance.

(5) "Controlling person" means:

(A) any natural person who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of any staff leasing company, through ownership of voting securities, by contract or otherwise; or

(B) any natural person employed, appointed, or authorized by a staff leasing company to enter into a contractual relationship with a client on behalf of the staff leasing company.

(6) "Good moral character" means a personal history of honesty, trustworthiness, fairness, a good reputation for fair dealings, and respect for the rights of others and for the laws of this state and nation.

(7) "Licensee" means a person licensed as a staff leasing company or staff leasing group under this act.

(8) "Person" means an individual, an association, a company, a firm, a partnership or a corporation.

(9) "Staff leasing arrangement" means an arrangement, under contract or otherwise, whereby:

(A) a staff leasing company assigns employees to perform services for a client;

(B) the arrangement sets no restriction or limitation on the duration of employment; and

(C) employer responsibilities are in fact shared by the staff leasing company and the client.

(b) For the purposes of this act, a staff leasing arrangement shall not include:

(A) personnel services defined under Tennessee Code Annotated, Title 62, Chapter 31;

(B) arrangements wherein a person, whose principal business activity is not entering into staff leasing arrangements, shares employees with a commonly owned company within the meaning of Section 414(b) and (c) of the Internal Revenue Code of 1986, as amended and which does not hold itself out as a staff leasing company; or

(C) arrangements for which a person assumes full responsibility for the product or service performed by such person or his agents and retains and exercises, both legally and in fact, a complete right of direction and control over the individuals whose services are supplied under such contractual arrangements, and such person and his agents perform a specified function for the recipient which is separate and divisible from the primary business or operations of the recipient.

(10) "Staff leasing company" or "leasing company" means an individual or business that, under an agreement between the client company and the leasing company, and for a fee, places all or substantially all of the regular, full-time employees of the client company on the leasing company's payroll and leases them to the client company on an ongoing basis with no restriction or limitation on the duration of employment.

(11) "Staff leasing group" means two (2) or more, but not more than five (5), corporate staff leasing companies each of which are majority owned by the same ultimate parent, entity, or person.

(c) Notwithstanding any other provisions of this act to the contrary, employee or staff leasing shall not be included in the Tennessee Personnel Services Act, Tennessee Code Annotated, Section 62-31-101, et. seq.

#### SECTION 5.

(a) The commissioner shall have authority to prescribe such rules and regulations for the conduct of the business and licensing of staff leasing companies as may be deemed necessary to carry out the provisions of this act. These rules shall have the force and effect of law and shall be enforced by the commissioner in the same manner as the provisions of this act. Rules and regulations pursuant to this act shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(b)(1) The advisory board is created and shall consist of five (5) members to be appointed by the governor.

(2) Three (3) members of the advisory board shall be chosen from individuals already engaged in the staff leasing industry, shall be eligible for licensure under this act, and shall become licensed by January 1, 1996. Thereafter, the professional members of this board must be licensees under this act. The remaining board members shall be residents of this state, must not be or ever have been connected with the business of staff leasing, and one (1) such member shall represent the consumer interests of the state of Tennessee and one (1) such member shall be a representative of the department of commerce and insurance.

(3) Within thirty (30) days after the effective date of this act, the governor shall appoint five (5) eligible and qualified persons to be members of the board as follows:

(A) One (1) member for a term of two (2) years.

(B) Two (2) members for terms of three (3) years each.

(C) Two (2) members for terms of four (4) years each.

(4) As the terms of the members expire, the governor shall appoint successors for the terms of four (4) years, and such members shall serve until their successors are appointed. The members' service on the advisory board shall begin upon appointment and continue until their successors are appointed.

(5) The advisory board shall have authority to recommend such rules and regulations to the commissioner for the conduct of the business and licensing of staff leasing companies as may be deemed necessary to carry out the provisions of this act.

SECTION 6. Information, statements, transcriptions of proceedings, transcriptions of recordings, electronic recordings, letters, memoranda and other documents and reports obtained from any applicant, client, employing unit or employer pursuant to the administration of this act, except to the extent necessary for the proper administration and enforcement of this act, shall be held confidential and shall not be subject to subpoena in any civil action or proceeding, nor shall be published or open to public inspection, other than as may be disseminated by the commissioner to public employees in the performance of

their public duties, in any manner.

On orders of the commissioner, any records or documents received or maintained by him under the provisions of this act, or the rules and regulations promulgated thereunder, may be destroyed under such safeguards as will protect their confidential nature two (2) years after the date on which such records or documents last serve any useful, legal, or administrative purpose in the administration of this act or in the protection of the rights of anyone.

A violation of this section is a Class C misdemeanor.

SECTION 7. After the effective date of this act, any person who engages in the business of, or acts as, a staff leasing company by entering into any staff leasing arrangement with a client relating to business conducted by the client in this state without first procuring a license, or who otherwise violates the provisions of this act may be penalized as provided in Sections 16 and 17. Any license issued pursuant to this act shall be non transferrable. Any transfer or issuance of stock or other ownership interest in a licensee which results in a change in the ownership of a majority in voting power of such stock or other ownership interest within a twelve (12) month period shall be deemed a transfer of such license and shall require a new application by the licensee.

SECTION 8. This act shall not apply to labor organizations or to any political subdivision of this state, the United States and any programs or agencies thereof.

SECTION 9.

(a) Every applicant for an initial staff leasing company license shall file with the commissioner a completed application on a form prescribed and furnished by the commissioner together with such forms, materials, and information as is necessary to enable the commissioner to ascertain if the applicant meets the requirements of this act, and accompanied by a nonrefundable application fee not to exceed two hundred fifty dollars (\$250.00) As a condition of licensure under this act, any applicant that is not a resident of, or is domiciled outside of, the state of Tennessee must first be licensed as a staff leasing company or as a staff leasing group in the state in which it is a resident or is domiciled if licensing is required by such state.

(b) Applicants for licensing as a staff leasing company or staff leasing group shall meet the following minimum standards:

(1) if an individual, the applicant shall have reached the age of majority.

(2) if a partnership, the applicant shall state the names and home addresses of all partners and indicate whether each partner is a general or a limited partner. The applicant shall include a copy of the partnership agreement, or an affidavit signed by all partners to the effect that no written partnership agreement exists.

(3) If a corporation, the applicant shall state the names and home addresses of all officers, directors and shareholders who own a five percent (5%) or greater interest in the corporation and a list of shareholders who formerly owned a five percent (5%) or greater interest in the corporation or its predecessors in the preceding five (5) years. The applicant shall include a certificate of good standing from the secretary of state evidencing its qualification to do business in this state.

(4) If a group, the parent entity or other entity authorized to act on behalf of the group shall be the applicant. The applicant shall include for each staff leasing company within the group the information required in subdivisions (2) or (3) of this subsection. The applicant shall also include a guarantee, on a form approved by the commissioner, executed by each staff leasing company within the group guaranteeing payment of all financial obligations with respect to wages, employment taxes, insurance premiums and employee benefits of each other member within the group. A staff leasing group may satisfy the reporting and financial requirements of this act on a consolidated basis.

(5) The applicant shall provide the trade name or names under which the applicant conducts business, its taxpayer or employer identification number, and the address of its principal place of business in this state and the address of any other office within this state through which the applicant intends to conduct business as a staff leasing company or staff leasing group. If the applicant's principal place of business is located in another state, such address shall be provided.

(6) The applicant shall provide a list by jurisdiction of each name under which the applicant has operated in the preceding five (5) years, including any alternative names, names of predecessors, and names of related business entities with common majority ownership. The applicant shall also provide detailed information on the background of

each controlling person to the extent deemed necessary by the commissioner.

(7) The applicant shall provide such other information which the commissioner deems necessary to show that the applicant and each controlling person is of good moral character, business integrity and financial responsibility. A thorough background investigation of the applicant shall be instituted by the commissioner.

The commissioner may deny an application for licensure or renewal citing lack of good moral character. Conviction of a crime within the last seven (7) years shall not automatically bar any applicant or licensee from obtaining a license or continuing as a licensee. The commissioner shall consider the type of the crime committed, the crime's relevancy to the staff leasing industry, the length of time since the conviction and any other factors deemed relevant by the commissioner.

(8) the applicant shall demonstrate for the commissioner and maintain an accounting net worth of not less than the greater of: (1) twenty-five thousand dollars (\$25,000) or (2) twenty dollars (\$20) per leased employee not to exceed in total fifty thousand dollars (\$50,000). For the purposes of this provision, leased employees shall mean those employees of the licensee or applicant who are leased or assigned to clients, whether located within or without this state, at the time of computation. Such net worth shall be demonstrated by providing a financial statement prepared in accordance with generally accepted accounting principles, consistently applied, and accompanied by at least a compilation report by an independent certified public accountant. At the applicant's option, application may be made contingent on showing required net worth prior to the issuance of such license but subsequent to the conditional approval thereof. Documents submitted to establish net worth shall reflect net worth as of a date not more than six (6) months prior to the date on which the application is submitted. All financial statements submitted shall be attested by the president, chief financial officer, and at least one (1) control person of the staff leasing company or staff leasing group. In meeting the specified net worth requirement, the applicant may provide to the commissioner a surety bond, letter of credit or marketable securities acceptable to the commissioner. A surety will not be acceptable to satisfy this requirement unless the applicant submits sufficient evidence to satisfy the commissioner that the surety has adequate resources to satisfy the obligations of

the surety. This provision shall be subject to audit or verification by the commissioner or his agents.

(c) The commissioner shall license by reciprocity as a nonresident staff leasing company or nonresident staff leasing group, an applicant which is licensed as a staff leasing company or staff leasing group in another state, and which is otherwise qualified therefore under this act except as to residence or domicile, if under the laws of the state of the applicant's residence or domicile, a similar privilege is granted to persons resident or domiciled and licensed in Tennessee under this act.

(d) The commissioner may issue a restricted license to a staff leasing company or staff leasing group resident or domiciled in another state for limited operation within this state under the following conditions:

(1) If the applicant's state of domicile or residence provides for licensing of staff leasing companies, the applicant is licensed and in good standing in its state of domicile or residence, which state grants a similar privilege for restricted licensing to staff leasing companies or staff leasing groups resident or domiciled and licensed in Tennessee under this act.

(2) The applicant does not maintain an office in this state and does not maintain a sales force or have a sales representative in this state.

(3) The applicant shall not have more than one hundred (100) leased employees working in this state.

(e) An applicant to be granted a restricted license shall be exempt from the requirements of Section 9(b)(8) above if the applicant is licensed and in good standing in its state of domicile.

(f) An applicant for nonresident or restricted license shall file, on a form provided, an appointment of a recognized and approved entity as its attorney to receive service of legal process issued against it in this state.

(g) Any license issued shall remain the property of the commissioner, and a licensee shall immediately return the license to the commissioner upon demand by the commissioner or his authorized representative.

#### SECTION 10.

(a) The commissioner, or his authorized representative, is authorized to deny an application for license:



(1) where the application is not fully completed, properly executed or is otherwise deficient on its face;

(2) where documents required to supplement the application are not included in the application packet or are otherwise inadequate;

(3) where the nonrefundable application fees required by Sections 9 or 11 or the license fee required by Section 12 is not submitted or is incorrectly submitted with the application packet;

(4) where the applicant, or any person named in the application, has made a material misrepresentation in the application;

(5) upon a finding that any person named in the application is not of good moral character, business integrity or financial responsibility; or

(6) upon a finding that the applicant has failed to meet or maintain any other requirement of this act or that there is good and sufficient reason with the meaning and purpose of this act to deny the application.

(b) The commissioner, or his authorized representative, shall furnish the applicant with a written statement of the reason(s) for denying the application. The applicant may request a hearing before the commissioner within thirty (30) days of receipt of the written statement. The hearing and any further appeal shall proceed as provided in the Uniform Administrative Procedures Act. The applicant may continue to operate during such hearing and appeal process to the extent otherwise permitted by state law. If the application is rejected, the applicant shall have thirty (30) days following receipt of written notification after such finding has become nonappealable to cease all operations within the state.

(c) An applicant or licensee shall be ineligible to reapply for a license for a period of one (1) year following final agency action on the denial or revocation of a license applied for or issued under this act. This time restriction shall not apply to administrative denials or revocations wherein the basis for denial was:

(1) an inadvertent error or omission on the application;

(2) a failure to meet a financial condition;

(3) the commissioner was unable to complete the

background investigation due to insufficient information from one (1) or more governmental agencies;

(4) failure to submit required fees;

(5) where an applicant or licensed staff leasing company has been deemed ineligible for a license because of a lack of good moral character, business integrity or financial responsibility of an individual or individuals when said individual is no longer associated with the staff leasing company in such a manner so as to affect licensure; or

(6) such basis as the commissioner finds good cause to allow reapplication prior to the expiration of the one (1) year period.

#### SECTION 11.

(a) Any license issued hereunder shall remain in force, unless revoked, for two (2) years from the date of issuance of the license. A licensee shall demonstrate continued compliance with all requirements of the act, including without limitation the requirements set forth above for initial application.

(b) At least thirty (30) days prior to the expiration of its license, the licensee shall submit an application for renewal of license on a form prescribed by the commissioner accompanied by a nonrefundable application fee of not less than one hundred dollars (\$100).

(c) An application for renewal of license shall be denied by the commissioner, or his authorized representative, upon any ground set out in subsection (a) of Section 10. The denied applicant shall have the procedures of subsection (b) of Section 10 available to review the denial and to continue or cease operations within the state.

#### SECTION 12.

(a) The annual fee for an unrestricted initial license shall be not less than one hundred fifty dollars (\$150) for resident and nonresident staff leasing companies and not less than one hundred dollars (\$100) for resident and nonresident staff leasing groups. The fee for the renewal of such license shall be not less than one hundred fifty dollars (\$150) for resident and nonresident staff leasing companies and not less than one hundred dollars (\$100) for resident and nonresident staff leasing groups; provided, however, in the case of a nonresident staff leasing company or staff leasing group resident of or domiciled in another state, which state requires licensing, the applicable fee or fees for such staff leasing company or staff leasing

group shall be the greater of (i) the fees set forth above, or (ii) the fees charged a nonresident staff leasing company or staff leasing group by such other state.

(b) The fee for restricted initial and renewal licenses issued pursuant to Section 9(d) shall be not less than fifty dollars (\$50).

(c) A restricted license shall not be granted to a staff leasing company or staff leasing group resident of or domiciled in another state, which state requires licensing but does not grant a similar privilege for restricted licensing to licensees under this act resident of or domiciled in this state.

(d) Fees for an initial license or a renewal license shall be submitted at the time of application and made payable to the state of Tennessee. Such fees shall be nonrefundable except in cases where the commissioner or his authorized representative shall reject an application for licensure.

#### SECTION 13.

(a) In addition to imposition of the penalties set out in Section 16 of this act, the commissioner may suspend for up to twelve (12) months, or may permanently revoke or refuse to renew any license issued hereunder, if, after notice to the licensee of the charges against it and after hearing, the commissioner finds any one or more of the following causes exist:

(1) any cause for which issuance of the license could have been refused had it then existed and been known to the commissioner;

(2) violation of or noncompliance with any applicable provision of this act or of any order of the commissioner;

(3) obtaining or attempting to obtain any license through misrepresentation or fraud;

(4) conviction of the licensee, or any controlling person designated in the license, of a felony;

(5) if in the conduct of business under the license, the licensee violates the provisions of Section 14 or Section 16 of this act;

(6) failure to provide a written response to a written inquiry from the commissioner or his authorized representative within thirty (30) days after receipt of the inquiry; or

(7) failure to meet or maintain any other requirement of this act.

(b) The license of a partnership, corporation or group may be suspended, revoked, or not renewed for any of the causes set out in subsection (a) of this section as such cause relates to any controlling person designated in the license to exercise powers of the partnership, corporation or group.

(c) Upon suspension or revocation of license, the commissioner shall immediately:

(1) notify the licensee by mail addressed to the licensee at its address last of record with the commissioner, who may appeal the decision of the commissioner, which appeal shall proceed as provided in the Uniform Administrative Procedures Act;

(2) notify the department of labor;

(3) notify the office of the attorney general;

(4) notify the secretary of state; and

(5) at such time as the revocation or suspension is nonappealable, require the licensee to notify each client by certified mail, return receipt requested, of the suspension or revocation using such language as the commissioner shall require and furnish the commissioner with evidence of such notification.

#### SECTION 14.

(a) A licensed staff leasing company or staff leasing group shall perform the following general responsibilities as a licensee:

(1) The staff leasing arrangement shall have a written contract between the client and the staff leasing company setting forth the responsibilities and duties of each party. The contract shall disclose to the client services to be rendered, including charges and fees, the respective rights and obligations of the parties, and provide that the staff leasing company:

(A) Reserves a right of direction and control over leased employees assigned to the client's location. However, the client may retain such sufficient direction and control over leased employees as is necessary to conduct the client's business and without which the client would be unable to conduct its business, discharge any fiduciary responsibility which it may have, or comply with any applicable

licensure, regulatory or statutory requirement of the client;

(B) Assumes responsibility for the payment of wages of its leased employees, its payroll-related taxes and its employee benefits from its own accounts without regard to payments by the client to the staff leasing company; and

(C) Retains authority to hire, terminate, discipline, and reassign leased employees. However, the client may have the right to accept or cancel the assignment of any leased employee.

(2) The staff leasing company shall give written notice of the general nature of the relationship between the staff leasing company and the client to each leased employee assigned to perform services at the client's worksite.

(3) Submit to the commissioner, within ninety (90) days of the end of each calendar quarter, a certification by an independent certified public accountant or independent public accountant that for such quarter all applicable payroll taxes have been paid on a timely basis. Upon a showing of reasonable cause, one thirty (30) day extension per quarter shall be granted.

(4) Maintain and make available for the commissioner's, or his authorized representative's, inspection any and all records concerning the licensee's conduct of business under its license, which records shall be maintained for a period of three (3) years after termination of the employment relationship or staff leasing arrangement.

(5) Notify the commissioner in writing of a change of business address within thirty (30) days of such change.

(6) Notify the commissioner in writing within thirty (30) days of any changes among partners, directors, officers, members and controlling persons designated in the license.

(7) Post the license issued under the act in a conspicuous place in the principal place of business and display in clear public view in each licensee's office in this state a notice stating that the staff leasing company is licensed and regulated by the commissioner and that any questions or complaints should be directed to the commissioner.

(b) A licensed staff leasing company shall be deemed

an employer of its leased employees and shall have a right to and shall perform the following responsibilities:

(1) Pay wages and collect, report and pay employment taxes from its own accounts;

(2) Pay unemployment taxes as required by law; and

(3) Ensure that all of its Tennessee employees are covered by workers' compensation provided in accordance with the laws of this state. No license shall be issued to any staff leasing company until the staff leasing company files with the commissioner, evidence of workers' compensation coverage for all leased employees in this state. A licensed staff leasing company shall promptly notify the commissioner, and its workers' compensation insurance carrier, if applicable, of the termination of the staff leasing company's relationship with any client to which employees within this state are assigned.

(c) A licensed staff leasing company shall be deemed an employer for the purposes of sponsoring and maintaining employee benefit and welfare plans for its leased employees. Such plans, if limited to the employees of the staff leasing company, shall not be deemed to be multiple employer welfare arrangements within the meaning of applicable law. Nothing herein shall require a staff leasing company to provide comparable benefits to leased employees located at different worksites.

A licensed staff leasing company shall disclose to the commissioner, to each of its client companies, and to its leased employees information on any health or life fringe benefit program provided for the benefit of its leased employees. Such information shall include for each plan:

(1) the type of benefits;

(2) the identity of each insurer for each type of coverage;

(3) the amount of benefits for each type of coverage and to whom or on whose behalf benefits will be paid;

(4) the policy limits on each insurance policy; and

(5) whether such coverage is fully insured, partially insured, or fully self-funded.

Disclosure as required by this section may be made by any written means reasonably calculated to adequately inform the leased employees of the above matters, such

written means which may include without limitation, a summary plan description which meets the requirements of the Employee Retirement Income Security Act of 1974 as amended.

(c) Subject to any contrary provisions of the contract between the client and the staff leasing company, the staff leasing arrangement that exists between a staff leasing company and its clients shall be interpreted for purposes of insurance, bonding and employer's liability as follows:

(1) The staff leasing company shall be entitled along with the client to the exclusivity of the remedy under both the workers' compensation and employer's liability provisions of a workers' compensation policy or plan that either party has secured.

(2) A staff leasing company shall not be liable for the acts, errors or omissions of a client or of any leased employee acting under the direction and control of a client. A client shall not be liable for the acts, errors or omissions of a staff leasing company or of any employee of a staff leasing company acting under the direction and control of the staff leasing company. Nothing herein shall limit any contractual liability between the staff leasing company and the client, nor shall this subsection in any way limit the liabilities of a staff leasing company or client as defined elsewhere in this act.

(3) Employees leased to a client by a staff leasing company shall be considered as the employees of the client for the purposes of general liability insurance, automobile insurance, fidelity bonds, surety bonds, employer's liability and liquor liability insurance carried by the client. Employees leased to a client by a staff leasing company are not deemed employees of the staff leasing company for purposes of general liability insurance, automobile insurance, fidelity bonds, surety bonds, employer's liability, or liquor liability insurance carried by the staff leasing company unless the employees are included by specific reference in the applicable employment arrangement contract, insurance contract or bond.

(d) The sale of staff leasing arrangements in conformance with the provisions of the act shall not constitute the sale of insurance within the meaning of applicable state law.

SECTION 15. The following acts and omissions are deemed to constitute deceptive practices and are hereby prohibited for staff leasing companies and staff leasing groups:

(1) making, issuing, circulating or causing to be made, issued or circulated, any estimate, illustration, circular, statement, advertisement, sales presentation, omission, or comparison which misrepresents the benefits, advantages, conditions, or terms of any staff leasing arrangement, or is otherwise untrue, deceptive or misleading;

(2) entering into any agreement to commit or, by any concerted action, committing any act of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of employee leasing;

(3) filing with the commissioner or other public official or making, publishing, disseminating, circulating, or delivering to any person, or placing before the public or causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, any false statement of financial condition of a person with intent to deceive;

(4) knowingly making any false entry of a material fact in any book, report, or statement of any person or knowingly omitting to make a true entry of any material fact pertaining to the business of the person in any book, report, or statement of that person;

(5) permitting to be used or using, permitting to be filed or filing any name, trade name, fictitious name, or business identity which is the same as, similar to, or may be confused with the name, trade name, fictitious name, or business identity of an existing licensee, any governmental agency, or any nonprofit organization; or

(6) any other practice which the commissioner determines by regulation, rule or otherwise after notice and hearing, to be a deceptive practice.

SECTION 16.

(a) The following constitute grounds for which disciplinary action against a licensee may be taken by the commissioner:

(1) being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, bribery, fraud, or willful misrepresentation in obtaining, attempting to obtain, or renewing a license;

(2) being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of



adjudication, a crime in any jurisdiction which relates to the operation of a staff leasing company or the ability to engage in business as a staff leasing company;

(3) being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud, deceit, or misconduct in the classification of employees and reporting of employee wages pursuant to the Tennessee Workers' Compensation Act;

(4) being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud, deceit, or misconduct in the establishment or maintenance of workers' compensation or health coverage, regardless of whether self-insured or otherwise;

(5) being convicted of or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud, deceit, or misconduct in the operation of a staff leasing company;

(6) conducting business without a valid and active license;

(7) failing to maintain evidence of the workers' compensation insurance required pursuant to this act;

(8) transferring or attempting to transfer a license issued pursuant to this act;

(9) violating any provision of this act or any lawful order or rule issued under the provisions of this act;

(10) failing to notify the commissioner in writing of any change of the primary business address or the addresses of any of the licensee's offices in the state;

(11) having been confined in any county jail, post-adjudication, or being confined in any state or federal prison or mental institution, or when through mental disease or deterioration, the licensee can no longer safely be entrusted to deal with the public or in a confidential capacity;

(12) having been found guilty for a second time of any misconduct that warrants suspension or being found guilty of a course of conduct or practices which show that the licensee is so incompetent, negligent, dishonest, or untruthful that the money, property, transactions and rights of investors or those with

whom the licensee may sustain a confidential relation, may not safely be entrusted to the licensee;

(13) failing to inform the commissioner in writing within thirty (30) days after being convicted of or found guilty of, or entering a plea of nolo contendere to any felony, regardless of adjudication;

(14) determination of liability for civil fraud by any court of competent jurisdiction in any state;

(15) adverse material final action by any state or federal regulatory agency for violations within the scope of control of the licensee;

(16) failure to inform the commissioner in writing within thirty (30) days of an adverse material final action by a state or federal regulatory agency;

(17) failure to meet or maintain the requirements for licensure as a staff leasing company; or

(18) attempting to obtain, obtaining or renewing a license as a staff leasing company or staff leasing group by bribery, misrepresentation, or fraud.

(b) Upon finding that a licensee has violated one or more provisions of Section 16(a), the commissioner may take one (1) or more of the following actions:

(1) deny an application for licensure;

(2) revoke, suspend, restrict, or decline to renew a license;

(3) impose an administrative fine not to exceed one hundred dollars (\$100) for every count or separate offense;

(4) issue a reprimand;

(5) place the licensee on probation for a period of time and subject to such conditions as the commissioner may specify; or

(6) impose upon the licensee the cost of investigation and prosecution, including reasonable attorney fees.

(c) upon revocation or suspension of a license, the licensee shall immediately return to the commissioner the license which was revoked or suspended.

SECTION 17.

(a) Any person who engages in the business of or acts as a staff leasing company without first procuring a license or otherwise violates the provisions of this act or any rules and regulations promulgated by the commissioner pursuant to this act, shall be liable for a civil penalty for each such offense of one hundred dollars (\$100) for each count or separate offense. Each day of violation shall constitute a separate offense.

(b) In addition to the penalties described in Section 18(a) of this act, the commissioner shall have the statutory power to enjoin or restrain by bringing an action in the chancery court of Davidson County against any person who engages in the business of or acts as a staff leasing company without having first procured a license for so engaging or acting.

#### SECTION 18.

(a) The commissioner may make, or cause to be made, investigations, audits, or reviews within or without the state as the commissioner deems necessary:

(1) to determine whether a person has violated or is in danger of violating any provision of this act, including any regulation or rule promulgated hereunder; or

(2) to aid in the enforcement of this act, including any regulation or rule promulgated hereunder.

(b) All material compiled by the commissioner or his agents in any investigation, audit or review under this section shall be confidential and exempt from public disclosure pursuant to Tennessee Code Annotated, Title 10, Chapter 7, until ten (10) days after a finding of probable cause resulting from such investigation, audit or review. However, financial information, including without limitation client lists, obtained by the commissioner or its agents in connection with investigations, audits or reviews shall be kept confidential and exempt from the public disclosure requirements of Tennessee Code Annotated, Title 10, Chapter 7.

SECTION 19. All fees collected by the state of Tennessee pursuant to this act shall be used by the commissioner to implement and administer this act. Such fees shall be deposited in a reserve for such purposes and the interest and principal of such reserve shall not revert on any June 30.

SECTION 20. Nothing in this act exempts a client of a staff leasing company nor an employee leased to a client by a staff leasing company from any other state, local or federal licensure or registration requirement. Any

individual who must be licensed, registered or certified according to law and who is a leased employee is deemed an employee of the client for purposes of the license, registration or certification. Except to the extent provided otherwise in the contract with a client, a staff leasing company is not liable for the general debts, obligations, loss of profits, business goodwill or other consequential special or incidental damages of a client with which it has entered into a staff leasing arrangement.

SECTION 21. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are severable.

SECTION 22. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 23. This act shall take effect January 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1081 by adding the following new section before the effective date section:

SECTION \_\_\_\_\_. The provisions of this act shall not apply to captive leasing companies. Captive leasing companies include, but shall not be limited to, leasing arrangements wherein a company shares employees with or leases employees to a commonly owned company which is a public company or any other person in which that public company has a director or indirect ownership interest in excess of thirty-three and one-third percent (33 1/3) including ownership through subsidiaries and affiliates, and which does not hold itself out to the public in the state of Tennessee as an employee leasing organization, personnel service, or contract labor firm. For the purposes of this section, "public company" means a corporation whose shares are publicly traded.

AND FURTHER AMEND by deleting the effective date section from Consumer and Employee Affairs Amendment 1 and substituting instead the following:

SECTION \_\_\_\_\_. For the purposes of promulgating rules and appointing board members, this act shall take effect

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upon becoming a law, the public welfare requiring it, and for all other purposes this act shall take effect January 1, 1996.

On motion, Amendment No. 2 was adopted.

Rep. Rinks moved that House Bill No. 1081 be passed on third and final consideration.

Rep. Severance moved the previous question, which motion prevailed.

Rep. Rinks moved that **House Bill No. 1081**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2057 -- Air Pollution --** Authorizes municipalities and counties to adopt local air pollution control ordinances that incorporate federal regulations by reference. Amends TCA 68-201-1105.

On motion, House Bill No. 2057 was made to conform with **Senate Bill No. 2070**; the Senate Bill was substituted for the House Bill.

Rep. Stulce moved that **Senate Bill No. 2070** be passed on third and final consideration.

On motion, Rep. Hillis withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Stulce moved that **Senate Bill No. 2070** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 1997 -- Motor Vehicles, Titling and Registration**  
-- Permits issuance of anti-crime license plates. Amends TCA, Title 55, Ch. 4.

Rep. Windle moved that House Bill No. 1997 be reset one week to the Calendar for Monday, March 21, 1994, which motion prevailed.

**House Bill No. 2199 -- Highways, Roads and Bridges -- Revises**  
criteria for borrow pit exemption from local zoning regulations to include reclamation plan "pending approval" where operator or borrow pit has filed proposed plan with county or municipal officer. Amends TCA 54-1-128.

Rep. Cole (Dyer) moved that House Bill No. 2199 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2199 by deleting in its entirety Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-1-128, is amended by adding the following language at the end of subdivision (b)(1)(D):

provided, however, that if a proposed reclamation plan is not approved within thirty (30) days after it is filed with the appropriate county or municipal officer by the operator of the borrow excavation, then the

operator may begin work pending plan approval.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Cole (Dyer) moved that House Bill No. 2199, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	86
Noes. . . . .	5
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Halteman Harwell, Liles, Ritchie, Stamps, West -- 5.

Representatives present and not voting were: Tindell -- 1.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**March 14, 1994**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2254, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REGULAR CALENDAR, CONTINUED**

House Bill No. 2003 -- Banks and Financial Institutions -- Allows living trusts to be designated as beneficiary of payable-on-death account. Amends TCA 45-2-704.

On motion, House Bill No. 2003 was made to conform with Senate

Bill No. 2162; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 2162 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Fowlkes moved that Senate Bill No. 2162 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: West -- 1.

A motion to reconsider was tabled.

\*House Bill No. 1361 -- Local Government, General -- Deletes exemption for parcels of property where owner-occupied residence is located, permitting county to remedy dangerous conditions, including overgrown vegetation, trash and vacant dilapidated buildings. Amends TCA 5-1-115.

On motion, House Bill No. 1361 was made to conform with Senate Bill No. 1495; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 1495 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Kisber moved that Senate Bill No. 1495 be passed on third and final consideration.



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Rep. Kisber moved that Senate Bill No. 1495 be reset to the Calendar for Thursday, March 17, 1994, which motion prevailed.

**House Bill No. 2750 -- Public Records --** Authorizes electric plants owned and operated by a local government in Shelby County to recover costs for distributing copies of public records having commercial value; electric plants owned and operated by Davidson County have authority under present law to recover such costs. Amends TCA 7-52-135.

On motion, House Bill No. 2750 was made to conform with **Senate Bill No. 2038**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 2038** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
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**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 378; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**Senate Joint Resolution No. 0378 -- Memorials, Death --** Frank Gorrell. by \*Albright, \*Atchley, \*Burks, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis, \*Elsea, \*Ford, \*Gilbert, \*Greer, \*Hamilton, \*Harper, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McKnight, \*McNally, \*O'Brien, \*Patten, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Womack, \*Wright, \*Wilder.

RULES SUSPENDED

Rep. Rhinehart moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 378 out of order, which motion prevailed.

Senate Joint Resolution No. 0378 -- Memorials, Death -- Frank Gorrell.

On motion of Rep. Rhinehart, with the request that all members voting aye be added as sponsors, the resolution was concurred in by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 2803 -- Motor Vehicles -- Enacts "Tennessee Automobile Safety Act of 1994". Amends TCA 55-9-603, 604.

On motion, House Bill No. 2803 was made to conform with Senate Bill No. 2621; the Senate Bill was substituted for the House Bill.

Rep. Robinson moved that Senate Bill No. 2621 be passed on third and final consideration.

On motion, Rep. Napier withdrew Transportation Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 2

Amend Senate Bill No. 2621 by adding the following new

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section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 55-9-603, is further amended by adding the following at the end of subsection (e):

No litigation tax levied pursuant to the provisions of Tennessee Code Annotated, Title 67, Chapter 4, Part 6, shall be imposed or assessed against anyone convicted of a violation of this section.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Robinson moved to adopt Amendment No. 4 as follows:

**Amendment No. 4**

Amend Senate Bill No. 2621 by deleting in Section 3 of the printed bill the word "casual" and by substituting instead the word "causal".

On motion, Amendment No. 4 was adopted.

Rep. Robinson moved that Senate Bill No. 2621, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	59
Noes . . . . .	30
Present and not voting . . . . .	3

Representatives voting aye were: Armstrong, Bittle, Boyer, Bragg, Brooks, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Davis, DeBerry, Dixon, Ferguson, Fowlkes, Givens, Haley, Hargrove, Hassell, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Love, McDaniel, Meyer, Miller, Moore, Napier, Peroulas Draper, Phelan, Pinion, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Mr. Speaker Naifeh -- 59.

Representatives voting no were: Anderson, Arriola, Bell, Brown, Chiles, Crain, Cross, Davidson, Duer, Fisher, Gunnels, Halteman Harwell, Haun, Huskey, Liles, McAfee, McKee, Mires, Odom, Owenby, Phillips, Purcell, Ramsey, Ridgeway, Shirley, West, Williams (Union), Windle, Winningham, Wood -- 30.

Representatives present and not voting were: Buck, Rhinehart, Wix -- 3.

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A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from no to aye on Senate Bill No. 2162 and have this statement entered in the Journal: Rep(s). Anderson.

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 2364 --** Weights and Measures -- Calculates gross weights for trucks hauling natural resources products under Certified Public Weigher Law to be gross weights for axle limitations and additional 500 pounds. Amends TCA 47-26-812.

Rep. Robinson moved that House Bill No. 2364 be passed on third and final consideration.

Rep. Napier moved adoption of Transportation Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 2364 by deleting Section 2. in its entirety, and by substituting instead the following new Section 2.:

SECTION 2. Tennessee Code Annotated, Section 47-26-812, is further amended by deleting the period at the end of the first sentence and by adding the following language:

" , and adding an additional five hundred (500) pounds thereto when the natural resources product is transported over a street or highway other than the portion designated as the interstate system."

On motion, Amendment No. 1 was adopted.

Rep. Robinson moved that House Bill No. 2364, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	82
Noes. . . . .	13
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis,

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Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kisber, Knight, Lewis, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Arriola, Coffey, Herron, Joyce, Kernell, Liles, Peroulas Draper, Ritchie, Shirley, Stamps, West, Westmoreland, Williams (Union) -- 13.

Representatives present and not voting were: Armstrong -- 1.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 2364 and have this statement entered in the Journal: Rep(s). Halteman Harwell and Odom.

**REGULAR CALENDAR, CONTINUED**

**House Joint Resolution No. 0516 -- Memorials, Death -- Dinah Shore.**

Further consideration of House Joint Resolution No. 516, previously considered on March 10, 1994, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 14, 1994.

Rep. Rigsby moved that **House Joint Resolution No. 516** be adopted, with the request that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West,

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Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

## **UNFINISHED BUSINESS**

### **NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Thursday, March 17, 1994:

House Bill No. 2036: Rep. Ritchie.

House Bill No. 308: Rep. Dixon.

House Bill No. 2259: Rep. DeBerry.

## **RULES SUSPENDED**

Rep. U. Jones moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 377 out of order, which motion prevailed.

Senate Joint Resolution No. 0377 -- Memorials, Recognition and Thanks -- Maurice O'Donohue, Mayor of Killarney, Ireland.

On motion of Rep. U. Jones, with the request that all members voting aye be added as sponsors, the resolution was concurred in by the following vote:

Ayes. . . . .	90
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. DeBerry moved that the rules be suspended for the purpose of introducing **House Resolution No. 148** out of order, which motion prevailed.

**House Resolution No. 0148** -- Memorials, Personal Occasion -- Joe Ernest Davis, 75th birthday. by \*DeBerry.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. DeBerry, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 1644:** Rep(s). Mires as prime sponsor(s).

**House Bill No. 1683:** Rep(s). Bittle as prime sponsor(s).

**House Bill No. 1686:** Rep(s). Bell as prime sponsor(s).

**House Bill No. 1880:** Rep(s). Wix as prime sponsor(s).

**House Bill No. 2021:** Rep(s). Coffey as prime sponsor(s).

**House Bill No. 2144:** Rep(s). Winningham as prime sponsor(s).

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**House Bill No. 2164:** Rep(s). Dixon as prime sponsor(s).

**House Bill No. 2124:** Rep(s). Pruitt as prime sponsor(s).

**House Bill No. 2289:** Rep(s). Winningham as prime sponsor(s).

**House Bill No. 2463:** Rep(s). Hargrove as prime sponsor(s).

**House Bill No. 2571:** Rep(s). Bittle, Boyer, Chiles, Gunnels, Haley, Hassell, Joyce, Liles, McDaniel, Meyer, Peroulas Draper, Ramsey, Severance, Shirley, Williams (Union) and Wood as prime sponsor(s).

**House Bill No. 2574:** Rep(s). Chiles and Cole (Carter) as prime sponsor(s).

**House Bill No. 2676:** Rep(s). Kisber as prime sponsor(s).

**House Bill No. 2701:** Rep(s). Liles as prime sponsor(s).

**House Bill No. 2803:** Rep(s). Turner (Hamilton) as prime sponsor(s).

**House Bill No. 2873:** Rep(s). Arriola as prime sponsor(s).

**ENGROSSED BILLS**

**March 14, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2056 and 2164.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**March 14, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 504 and 505; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 14, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2130; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.



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**MESSAGE FROM THE SENATE  
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**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 1804, 1869, 2056, 2164, 2250 and 2514; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**MESSAGE FROM THE SENATE  
March 14, 1994**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 2743; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**MESSAGE FROM THE SENATE  
March 14, 1994**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution(s) No(s). 494, 495 and 496; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**MESSAGE FROM THE SENATE  
March 14, 1994**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill(s) No(s). 1039, 1707, 1814, 1831, 1843, 1845, 1857, 1970, 1979, 1999, 2157, 2396, 2423, 2474, 2541, 2746 and 2767; also, Senate Joint Resolution(s) No(s). 364; for the signature of the Speaker.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**MESSAGE FROM THE SENATE  
March 14, 1994**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 2005, 2190, 2211, 2212, 2337, 2620, 2843, 2855, 2858, 2860, 2861, 2863 and 2865; also, House Joint Resolution(s) No(s). 473, 475, 476, 479, 480, 481, 483, 484, 485, 488, 489, 490, 491 and 497; signed by the Speaker.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

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MESSAGE FROM THE SENATE  
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MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1733, 1994, 2009, 2040, 2392, 2411, 2424, 2611 and 2850; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1733 -- Economic and Community Development --** Deletes requirement that energy division must prepare annual report of activities, including information on conservation, energy management, renewable industry investments and recruitments and energy savings goals. Amends TCA 4-3-708. by \*Womack.

**\*Senate Bill No. 1994 -- Criminal Offenses --** Increases penalty when recipient of drugs is under 18 years of age. Amends TCA 39-17-417. by \*Cooper.

**\*Senate Bill No. 2009 -- Banks and Financial Institutions --** Revises remedies for financial institutions for nonpayment of rent of safety deposit boxes. Amends TCA, Title 45, Ch. 2, Pt. 9; Title 66, Ch. 29. by \*Patten.

**\*Senate Bill No. 2040 -- Environmental Preservation --** Requires state government to fund cost imposed by mandated environmental regulations that are more stringent than federal regulations. Amends TCA, Title 68. by \*Henry.

**\*Senate Bill No. 2392 -- Youth Development, Dept. of --** Increases number of participants in model programs from 25 to 35. Amends TCA, Title 4, Ch. 3, Pt. 26. by \*Harper.

**\*Senate Bill No. 2411 -- Pensions and Retirement Benefits --** Redefines "earnable compensation" under TCRS. Amends TCA 8-34-101, 8-35-404, 8-36-102, 8-37-210, 214. by \*Atchley, \*McNally, \*Rochelle, \*Henry.

**\*Senate Bill No. 2424 -- AIDS --** Allows law enforcement officer who has been exposed to blood or bodily fluids of arrested suspect to require that blood of such suspect be tested for hepatitis B and HIV virus. Amends TCA, Title 68, Ch. 10, Pt. 1. by \*Leatherwood, \*Rice, \*Jordan, \*Crowe.

**\*Senate Bill No. 2611 -- Highways, Roads and Bridges --** Increases maximum height of buildings built near scenic highways from 35 to 40 feet. Amends TCA, Title 54, Ch. 17, Pt. 1. by \*Koella.

**\*Senate Bill No. 2850 -- Juvenile Offenders --** Allows juvenile courts to transfer certain juvenile offenders, 14 years of age or younger, to criminal court to be tried and sentenced as adults. Amends TCA, Title 37, Ch. 1, Pt. 1. by \*Person, \*Rochelle, \*Elsea, \*Henry, \*Springer, \*Jordan, \*Crutchfield, \*Ford, \*Harper.

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**MESSAGE FROM THE SENATE**

**March 14, 1994**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 352, 353, 354, 355, 356, 358 and 360; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**Senate Joint Resolution No. 0352 -- Memorials, Academic Achievement -- Brian Alan Carlson, 1994 Valedictorian, Friendship Christian School. by \*Rochelle.**

**Senate Joint Resolution No. 0353 -- Memorials, Academic Achievement -- Tasha Walker, 1994 Salutatorian, Watertown High School. by \*Rochelle.**

**Senate Joint Resolution No. 0354 -- Memorials, Academic Achievement -- Keith E. Thompson, 1994 Valedictorian, Trousdale County High School. by \*Rochelle.**

**Senate Joint Resolution No. 0355 -- Memorials, Academic Achievement -- Jason Randall Hall, 1994 Valedictorian, Mt. Juliet Christian Academy. by \*Rochelle.**

**Senate Joint Resolution No. 0356 -- Memorials, Death -- Dinah Shore. by \*Cooper, \*Henry, \*Harper, \*O'Brien, \*Jordan.**

**Senate Joint Resolution No. 0358 -- Memorials, Retirement -- Betty Carter Justice. by \*Greer.**

**Senate Joint Resolution No. 0360 -- Memorials, Public Service -- Vasco A. Smith, Shelby County Commissioner. by \*Cohen, \*Kyle.**

**CONSENT CALENDAR**

**March 14, 1994**

The following local bills have been placed on the Consent Calendar for **Monday, March 21, 1994:** House Bills Nos. 2876 and 2859.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 95

Representatives present were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Kisber, Knight, Lewis,

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Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, March 17, 1994.